

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

JAMES HEALY, on behalf of himself and all
others similarly situated,

Plaintiff,

vs.

MILLIMAN, INC., d/b/a INTELLISCRIPIT,

Defendant.

Case No. 2:20-cv-01473-JCC

**STIPULATED MOTION AND ~~[PROPOSED]~~
ORDER TO MODIFY CLASS DEFINITIONS**

**NOTE ON MOTION CALENDAR:
JULY 29, 2022**

The parties have agreed to modify the class definitions and jointly present this stipulated motion (Dkt. No. 138) for the Court's approval. In support of the motion, the parties state:

1. On April 29, 2022 the Court certified the following classes (Dkt. No. 126):

1681e(b) Inaccuracy Class: All persons residing in the United States (including all territories and other political subdivisions of the United States), beginning five years prior to the filing of this Complaint and continuing through the resolution of this action, about whom Defendant sold a report to a third party containing one or more items of information which did not pertain to the individual who was the subject of the report.

1681i Failure to Properly Reinvestigate Class: All persons residing in the United States (including all territories and other political subdivisions of the United States), beginning five years prior to the filing of this Complaint and continuing through the resolution of this action, who disputed the completeness and/or accuracy of one or more items of information on an Intelliscript report for whom

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Defendant responded with form/template communication substantially in the form of MM_HEALY000315.

2. The parties seek to modify the class definitions so that the class period contains a specific beginning and end date. *See Sampson v. Knight Trans., Inc.*, No. C17-0028-JCC, 2021 WL 2255129, at *2 (W.D. Wash. June 3, 2021) (modifying class definition to set a specific end date). Modifying the definitions in this manner will avoid a second notice to individuals who become class members after the initial notice goes out. *See id.*

3. The parties propose the following modified class definitions:

1681e(b) Inaccuracy Class: All persons residing in the United States (including all territories and other political subdivisions of the United States), beginning **October 5, 2015 and continuing through April 29, 2022** ~~five years prior to the filing of this Complaint and continuing through the resolution of this action~~, about whom Defendant sold a report to a third party containing one or more items of information which did not pertain to the individual who was the subject of the report.

1681i Failure to Properly Reinvestigate Class: All persons residing in the United States (including all territories and other political subdivisions of the United States), beginning **October 5, 2015 and continuing through April 29, 2022** ~~five years prior to the filing of this Complaint and continuing through the resolution of this action~~, who disputed the completeness and/or accuracy of one or more items of information on an Intelliscript report for whom Defendant responded with form/template communication substantially in the form of MM_HEALY000315.

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STIPULATED AND DATED this 29th day of July, 2022.

TERRELL MARSHALL LAW GROUP PLLC

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PROPOSED ORDER

The parties' stipulated motion to modify the class definitions is granted. The Court's April 29, 2022 Order is modified, and the certified classes will be defined as follows:

1681e(b) Inaccuracy Class: All persons residing in the United States (including all territories and other political subdivisions of the United States), beginning October 5, 2015 and continuing through April 29, 2022, about whom Defendant sold a report to a third party containing one or more items of information which did not pertain to the individual who was the subject of the report.

1681i Failure to Properly Reinvestigate Class: All persons residing in the United States (including all territories and other political subdivisions of the United States), beginning October 5, 2015 and continuing through April 29, 2022, who disputed the completeness and/or accuracy of one or more items of information on an Intelliscript report for whom Defendant responded with form/template communication substantially in the form of MM_HEALY000315.

IT IS SO ORDERED.

DATED this 29th day of July 2022.



John C. Coughenour
UNITED STATES DISTRICT JUDGE